REMARKS

Status of Application

Claims 1-24 are pending in the application. Claims 1-10, 15, and 23-24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Humpleman et al (US Pat. 6,243,707), hereafter "Humpleman," in view of Wugoski (US Pat. 6,690,392, previously cited on PTO 892 dated August 6, 2007). Claims 11-14 and 16-22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Humpleman in view of Wugoski as applied to claims 1-10 above, and further in view of what was well known in the art at the time of the invention.

Preliminary Matters

The Examiner has acknowledged the claim for foreign priority and confirmed receipt of the certified copy of the priority document.

Claim Rejections - 35 U.S.C. § 103

Claims 1-10, 15 and 23-24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Humpleman et al. (U.S. Patent 6,243,707), in view of Wugoski (U.S. Patent 6,690,392), previously cited on PTO 892 dated August 6, 2007.

The Examiner provides substantially the same rejection in the instant Office Action as was provided in the Office action dated June 27, 2008. Therefore, the following comments will be mainly directed toward the Examiner's Response to Arguments found on page 2-5 of the instant Office Action.

In response to the argument that the proposed combination of Humpleman and Wugoski would not render claim 1 obvious, the Examiner argues in kind: 1) Applicants argue against the references individually, and non-obviousness cannot be shown by attacking references

individually where the rejections are based on combinations of references; 2) Wugoski indeed discloses that information for each of the devices is collected and stored; and 3) the teachings of Humpleman and Wugoski would not teach away from the combination of references proposed by the Examiner. Applicants hereby address each of the Examiner's arguments in turn.

First, the Examiner argues that Applicants argue against the references individually, and non-obviousness cannot be shown by attacking references individually where the rejections are based on combinations of references. While the Examiner is correct in that the combination of references must be considered for obviousness, not the references individually, if each reference in the proposed combination of references fails to disclose an element of a claim, then the arguments may attack each reference individually to show that none of the references disclose a particular claim element. In other words, if no reference in a combination of references discloses a claim element, then the combination cannot disclose the claim element. In the Response filed September 29, 2008, Applicants argued that neither Humpleman nor Wugoski discloses *collecting and storing information from each of the respective devices*, and thus the proposed combination of Humpleman and Wugoski cannot disclose this aspect of claim 1. Applicants that this argument is still valid, as seen below.

Second, the Examiner argues that Wugoski indeed discloses that information for each of the devices is collected and stored. Specifically, the Examiner argues that col. 7, lines 6-16 and col. 7, lines 58-61 discloses that a central storage unit stores remote control service list information which represents a function responding to a remote controller of each of the respective devices connected in network. See page 3 of the Office Action. Wugoski requires that a user program macro elements on a remote control device to perform certain functions. See col. 7, lines 6-8. Thus, any remote control functions stored by the system in Wugoski are

inputted by a user. On the other hand, claim 1 recites a control unit which collects and stores remote control service list information. As Humpleman fails to disclose a central storage unit, Humpleman also fails to disclose a control unit which performs collection of the remote control service list information. Further, since Wugoski fails to disclose a control unit which collects remote control service list information, Wugoski cannot cure the deficiency of Humpleman, and the Examiner's proposed combination of references fails to render claim 1 obvious. Additionally, as amended, claim 1 requires that the control storage unit matches the remote control service list information to information of each of the respective devices. Since Wugoski is programmed with remote control functions, and since Humpleman does identify the devices, neither reference provides the matching of the remote control service list information as recited in claim 1.

Third, the Examiner argues that the teachings of Humpleman and Wugoski would not teach away from the combination of references proposed by the Examiner. Specifically, the Examiner argues that "the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the reference. Rather, the test is what the combined teachings would have suggested to one of ordinary skill in the art." The Examiner then argues that the combined teachings would suggest centralizing the storage of remote control function information. See pages 4-5 of the instant Office Action. Applicants respectfully point the Examiner to MPEP 2143.01(V), which indicates that the proposed combination of references cannot render the prior art unsatisfactory for its intended purpose. As noted in the Response filed September 29, 2008, the system in Humpleman provides an environment in which a home network may use home devices from a multitude of

manufacturers, since the control interface does not need to know any specific details about the home device to provide controls. Wugoski, on the other hand, requires that the specific details of a home device must be known in order to program the control macros in the remote control device. Thus, combining the control macros with the network of Humpleman would render Humpleman unsatisfactory for its intended purpose since the macros require the exact information Humpleman wishes to avoid.

For the reasons noted above, Applicants submit that claim 1 is patentable over the applied art. Claims 2-10 and 13-15 should be patentable at least by virtue of their dependency from claim 1.

Claims 11-14 and 16-22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Humpleman in view of Wugoski as applied to claims 1-10 above, and further in view of what was well known in the art at the time of the invention.

Claims 11-14 and 16-22 depend from claim 1. Because the proposed combination of Humpleman and Wugoski fails to render claim 1 obvious, and because what was well known in the art at the time of invention fails to cure the deficiency noted in the Examiner's proposed combination, claims 11-14 and 16-22 are patentable over the applied art.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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